

Comment Letter 0067

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SIERRA CLUB
CALIFORNIACalifornia High-Speed Rail Authority
Draft Program EIR/EIS Comments
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August 22, 2004



The purpose of this letter is to provide comments on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/EIS) for the proposed California High Speed Rail Project. We conclude that the document fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. ("CEQA Guidelines") and the National Environmental Policy Act ("NEPA") 42 U.S.C 4321; 40 C.F.R. 1500.1 for the reasons cited below.

These comments are made in three parts:

THIS LETTER

ATTACHMENT ONE: Comments on the CAHSR DRAFT EIR/EIS
By the Sierra Club/Loma Prieta Chapter

ATTACHMENT TWO: Comments on the CA HSR DEIR/EIS by John Holtzclaw, Sierra Club

High Speed Rail, as a mode of transportation between Sacramento, the San Francisco Bay Area, San Joaquin Valley, Los Angeles San Bernardino and San Diego is worthy of serious study. But, we strongly object to any High Speed Rail corridor being selected through Park, Wilderness or productive agricultural lands. Impacts upon these lands cannot be mitigated and a High Speed Rail program cannot afford the value placed upon their integrity. Plus, we strongly object to advocating stops in small communities before the sprawl inducing impacts of a high speed rail system have been mitigated.

We recognize we are dealing with a *PROGRAM* document not a *PROJECT* document and once a *ROUTE* has been chosen the *PROJECT* document, with the expected correct amount of detail, will be produced so that everyone can comment on and get the final alignment revised to be as environmentally neutral as possible. However, we find this Program DEIR/EIS is not adequate for selection of either a preferred route or a network of stations, therefore it can not be the basis for a project.

In reviewing this DEIR/EIS it appears to us that you are examining small portions of the entire system individually, rejecting some on an economic basis without looking at their environmental issues at all. The net result is that the cumulative environmental impacts of a set of end point to end point possible alignments have never been studied, which should be done in the Program Level DEIR/EIS. So, in effect, your piecemeal approach to the Program Level DEIR/EIS has resulted in an analysis with insufficient information to compare the overall environmental impacts of the various possible end point to end point routes.

Sierra Club calls for a revision of the DEIR/EIS and its re-circulation for public comment. You have time to do this right; but if you proceed with a flawed basis for the expenditure of 30+ Billion dollars, you run the very real risk of having the entire idea of High Speed Rail terminated.

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We offer the following pointed and hopefully constructive criticisms of the DEIR/EIS for use in its revision.

1) The Altamont Pass Corridor Must be a Fully Considered Option (See detailed comments in Attachment ONE submitted with and hereby made part of these comments.)

According to the DEIR/EIS, section S.3, "the system should maximize the use of existing transportation corridors...." It is obvious that the Altamont Pass corridor meets this objective better than the three options being considered by the DEIR/EIS, which punch new corridors through the undeveloped Diablo Range. This issue was not acknowledged in the DEIR/EIS. However, the DEIR/EIS did acknowledge that the Altamont Pass corridor would cost the least. Indeed, more was said about the Altamont Pass corridor than any of the other Bay Area to Central Valley options actually under consideration.

The DEIR/EIS identified no technical obstacle to the Altamont Pass Corridor; rather it cited a prediction of reduced ridership as justification for its disqualification for further study. Why is it OK to consider a corridor that punches through a State Wilderness but it is not OK to consider an alternative that will not harm wilderness but MAY result in reduced ridership?

2) The Station Specific Urban Growth Potential and Associated Impacts Must be Fully Considered in this DEIR/EIS to Enable Route Choice and Station Locations. (See detailed comments in Attachment TWO submitted with and hereby made part of these comments.)

The mitigation for sprawl impacts should be a mechanism within the Project's stop approval process that leaves stations out of the HSR system unless local zoning authorities agree to zone for transit oriented development and anti-sprawl measures around stations. High speed train stations should be financed and built by local authorities, just as they build airports.

3) The DEIR/EIS should evaluate each Route's visual impact by quantifying the miles of exposed corridor and place a higher impact factor to those miles within open space and an even higher impact factor to miles within wilderness areas.

It is not adequate to simply name an environmental impact. For example, the DEIR/EIS stated that the two Diablo Range routes would have a visual impact caused by their passage through the State Crestline Wilderness. This finding is often sufficient for public agencies to reject the routes from further consideration, however the DEIR/EIS does not so state.

4) The DEIR/EIS should evaluate each Route's noise impacts by quantifying the miles of exposed corridor and place a higher impact factor to those miles within urban areas.

Sierra Club feels that the use of bypass loops for nonstop trains around San Joaquin Valley Stations would make a relatively small dent in the trains overall noise impacts, while creating the potential for new impacts on wetlands, streams, floodplains, wildlife corridors and agricultural land. The probable environmental impacts of bypass loops have not been sufficiently evaluated to judge them on their merits.

The Club speculates that burying the non-stop service in a trench through the most densely populated urban areas will offer the best noise mitigation benefits to local residents. This option should be fully evaluated in a revised DEIR/EIS.

Alternatively, Sierra Club suggests nonstop trains reduce their speed (to under 150 miles per hour) when traveling through urbanized areas, for both safety and noise reasons.

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5) Tunneling would result in a mountain of rock tailing. What is the fate of this material and what are its environmental impacts? The DEIR/EIS should account for these tailings and quantify their impact upon visual, biological, and water resources.

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6) Tunneling has a history of increasing the rate of water drainage from mountains. In the arid regions of both the Diablo Range and Southern California, a number of threatened species depend on Mountains for their slow release of water throughout the dry season. Tunneling may impact these species and their habitat. The DEIR/EIS must identify these species and their range of habitat. Only then can the revised DEIR/EIS quantify the potential impact of specific Route options.

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7) Tunneling would not only expose rock tailing to the elements, it would also expose virgin rock on the inside of mountains and concentrated drainage patterns. Both of these factors serve as vectors for the transport of potentially toxic minerals, salts and acids. The DEIR/EIS must identify the compounds released by tunneling, quantify their volume and project their concentration in local streams. The DEIR/EIS should then assess the biological impact of tunneling related to such pollutants.

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8) Habitat fragmentation is a crucial issue given scant attention in the DEIR/EIS. A revised DEIR/EIS should identify the habitat and range for native species and evaluate Route options relative to this issue.

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9) A revised DEIR/EIS should evaluate cumulative impact to habitat fragmentation throughout Central and Southern California. For example, evaluation of the Pacheco Pass corridor option should assess the cumulative impact to habitat fragmentation caused by the combination of Highway 152 and the High Speed Rail.

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Unique San Joaquin Valley Issue

Alignment Options

The Draft EIR/EIS discusses a choice between the UPRR and the BNSF alignments in the stretch between Sacramento, Merced and Bakersfield. Between these two options, the Sierra Club recognizes the greater viability of the UPRR alignment in general.

However, we see a potential for collisions between high-speed passenger trains and derailed freight cars running on nearby existing track along the busy UPRR freight route.

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In light of this hazard, we would appreciate some EIR discussion of a third alignment option, a high-speed rail track generally following the UPRR/Freeway 99 route, but running slightly to the west of the existing track, far enough away to avoid a derailed freight car that has twisted off its course. This alignment option should be reviewed along with the others to find the safest, cheapest, and least environmentally burdensome route through the Valley.

Respectfully submitted,

Kenneth Ryan
Transportation Issue Chair

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CALIFORNIA
COMMENTS ON THE CAHSR DRAFT EIR/EIS**

**Sierra Club/Loma Prieta Chapter
8/28/2004
Response Letter: CAHSR- DRAFT EIR/EIS**

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ATTACHMENT ONE
ENCLOSED AS PART OF SIERRA CLUB CALIFORNIA
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Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR EIS

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1 EXECUTIVE SUMMARY

The Loma Prieta Chapter of the Sierra Club believes that California needs an alternative to air and car travel such as that provided by a High-Speed-Rail (HSR) system. HSR has good potential to reduce pressure on our environmental resources. However, the Chapter feels that this proposed third travel-alternative should only be considered a good option if the project is designed to maximize the most feasible and reasonable conditions and incur the least possible damage to our natural resources.

The purpose of this letter is to point out concerns identified through our review of the program-level Draft Environmental Impact Report/Statement (DEIR/S) for the proposed HSR project. As explained in detail in this letter, concerns raised upon the review of the proposed HSR project have two major components. The first is the questionable selection process of the preferred corridors between the Bay Area and the Central Valley. The second component is the poor quality of the analysis of the different environmental topics.

Selection of Preferred Corridors:

The selection process of a preferred corridor to link the Bay Area to the Central Valley started with several environmental, ridership, and corridor evaluation studies almost nine years before the release of the DEIR/S in 2004. Studies conducted before 1999 revealed that the Altamont Pass corridor has a potential ridership advantage and reduced environmental impact when compared to the Pacheco Pass. However, the adopted staff recommendation in 1999 eliminated further study of Altamont in favor of Pacheco due to assumptions that Pacheco would provide higher ridership and revenue (based on frequency of service), and that commuter ridership between the Bay Area and the San Joaquin Valley should be served through regional transportation solutions. The validity of these assumptions leading to the removal of Altamont from further consideration are questionable. Furthermore, the early environmental review process clearly identified that Altamont Pass had less impact than Pacheco; both should have continued forward.

It is interesting to note that Altamont continues to provide an important frame of reference throughout the decision process, yet it received no additional study after 1999. Pacheco has higher capital costs, greater wetland impacts, and increased sprawl inducing potential when compared to Altamont, therefore, we find the decision process that resulted in dropping the Altamont route inconsistent, the process does not meet the objectives of the HSR project and the requirements of the NEPA and CEQA regulations. The DEIR/S fails to justify the removal of the Altamont route from further consideration. Additionally, by dropping the Altamont option the DEIR/S fails to consider a fast link between Sacramento and the Bay Area.

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Furthermore, the 2001 introduction of alternative routes along the Diablo Mountain Range raise similar concerns as to the consistency in the analysis used to drop or consider an alternative. We find that the analysis is insufficient to consider, much less favor the Diablo routes over an Altamont route. Being introduced late in the corridor selection process, the Diablo routes were not included in the ridership and revenue analyses. Additionally, the DEIR/S does not provide an accurate description and estimation of the potential impacts of the proposed Diablo Mountain/Pacheco Pass alternatives which upon even a superficial review appear to present unmitigatable environmental impacts. Besides the presence of several sensitive habitats and threatened and endangered species, the DEIR/S does not consider the impacts and relevant mitigation measures of the fragmentation of habitats, biodiversity and the adverse impacts of creating new right-of-ways in rare pristine and undisturbed areas. Impact analysis should include a quantification of the loss and fragmentation of habitats and the decrease in biodiversity. It should also note potential impacts to state and national parks and protected areas.

While the Altamont Pass would impact sensitive wetlands of the Don Edwards San Francisco Bay National Wildlife Refuge, all of the proposed alternative options through the Diablo Mountain/Pacheco Pass would impact several unique sensitive and pristine habitats and disturb wildlife. According to the data provided in the DEIR/S the wetlands that would be impacted along Altamont Pass is approximately 27.4 acres. However, the wetlands that would be impacted along the proposed Pacheco Route totals 290 acres. The DEIR/S states that the environmental mitigation costs for the Altamont Pass (e.g. wetland replacement) could reach \$1 billion. This is an estimated mitigation cost equal to 100% of the construction cost. However, the California High Speed Rail Authority (Authority) estimate for mitigation costs along all the proposed HSR segments is 3% of the construction cost, regardless of the potential degree of environmental impacts in each segment. We find this significant disparity in calculating the cost of mitigation inadequate and inconsistent.

Analysis of the environmental topics in the DEIR/S:

In general, the analyses of the environmental resources in the DEIR/S are inadequate and vague. The data and analysis provided in this report are insufficient to select a preferred corridor. Although it is stated in the DEIR/S that the purpose of the program-level DEIR/S is to provide a broad analysis, there is insufficient information for decision-makers to select a preferred corridor and to evaluate the feasibility of the suggested mitigation measures. The program-level DEIR/S should include a detailed description and analysis of the potential environmental impacts and suitable mitigation measures, as it is proposing a preferred alignment for the system. Forcing site-specific decisions, such as the corridor selection, requires site-specific information adequate to the task.

The following major concerns were identified with respect to each environmental topic:

Biological Resources:

The proposed alignments linking the Bay Area to the Central Valley present significant impacts to the biological resources. The proposed alignments pose a serious threat to

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endangered species, sensitive habitats, and important ecosystems. They pass through pristine and undisturbed sections of the Diablo Mountain Range including a protected wilderness area. The grade-level alignment through the Diablo Mountain Range would disrupt wildlife corridors and fragment habitats for amphibians, mammals, and reptiles.

We find the analysis of the biological resources in the DEIR/S flawed and based on incomplete data. Besides using partial data, the numbers used in the DEIR/S only document special status species. Many species occur in the Diablo/Pacheco region are locally rare or present in low numbers, but more common elsewhere and thus not listed. Losing any of these species would constitute a loss of biodiversity for the region. The degradation of the ecosystems and the loss in biodiversity are unquantified and not analyzed in the DEIR/S.

Additionally, the three northern routes along the Diablo Mountain Range pass through Coyote Ridge, the largest intact native serpentine ecosystem in California. The California Native Plant Society (CNPS) and a coalition of environmental groups have been working for years to preserve the Coyote Ridge. It is the only remaining home for the federally threatened Bay checkerspot butterfly and the Metcalf Canyon jewelflower. Additionally, the area is a habitat for the California red-legged frog, California tiger salamander, and three other federally endangered plants. It is also home to 14 special status plants. The Pacheco route option would impact one special status plant of the Santa Clara County and several animals and plants communities.

The proposed Pacheco routes go through the Grass Wetlands area, which includes the Grassland Wetland District (GWD) and the Grassland Ecological Area (GEA). The GWD comprises federal and state refuges and other privately-held wetlands. The 180,000-acre GWA constitutes the largest wetland complex in California and the largest contiguous wetlands remaining in the Central Valley along the Pacific Flyway. We believe that the potential environmental impact to the wetlands along the proposed Pacheco routes significantly more severe than impact to the wetlands along the Altamont route.

Section 4(f) and 6(f) Resources:

The DEIR/S lists Henry W. Coe State Park as an important resource under Section 4(f) and 6(f) resources. However, the Pacheco Route would pass through a National Wildlife Refuge complex near Los Banos, as well as the northern edge of Pacheco State Park and the Upper Cottonwood Creek Wildlife Management Area that the DEIR/S fails to list under the Section 4(f) and 6(f) Resources.

Aesthetic Resources:

The cumbersome appearance of the HSR system across a scenic, natural landscape such as Coe Park, Isabel Valley, south Santa Clara County, or the west side of the Central Valley is highly damaging to the visual scenery. The entrances and exits of tunnels constitute highly significant visual impacts with the natural landscape of the Diablo Mountain Range. Additionally, the extensive cut-and-fill work for the passage of the HSR at grade, would be very damaging and unlikely can be mitigated.

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Land Use and Sprawl Impacts:

Analysis of potential impacts of the HSR on the land use fails to comply with CEQA guidelines and to provide convincing arguments as to the choice of the alternative route options that link the Bay Area to Merced. According to the DEIR/S, all of these alignments are highly incompatible with existing land use since they all pass through agricultural areas and parklands. Furthermore, the DEIR/S presents the HSR in a better picture when compared to the Modal Alternative since the latter does not promote higher-density development around transit nodes to encourage planned in-fill and more efficient use of the land. However, the proposed alignments pass through new corridors and therefore promote sprawl with dispersed development potential. Additionally, two stations, Los Banos and Auto Mall Parkway, would encourage sprawl since they are located in remote unpopulated regions with no smart-growth plans for the surrounding areas.

In addition to being very brief in comparing the effect of high-impact land use between the Modal and the HSR, the DEIR/S's conclusions are made from comparing numbers, of total mileage of land use, without an objective analysis of impacts with respect to each alternative. Additionally, mitigation measures presented for land-use impacts do not provide convincing solutions since minor adjustments of alignments won't change the impact of developing new transportation routes through a large and undeveloped mountain range.

The DEIR/S states that, if a decision is made, consistency with General Plans and land use ordinances will be considered at project-level analysis. However, the question remains, how can a decision be made out of this first study? Additionally, how will the alignments that go through the Diablo Mountain Range be studied to determine consistency with local General Plans?

Agricultural Resources:

The passage of the HSR through the suggested Diablo-Mountains/Pacheco options would impact unique and prime farmlands. The size of the affected farmlands by the passage of the HSR would be more than double the size of farmlands that would be affected by the Modal or No-Project Alternatives. Indeed, all the proposed Diablo-Mountain/Pacheco options go through new right-of-ways and bisect important farmlands.

Traffic and Circulation:

The discussion provided in the DEIR is inadequate for an accurate determination of the impact of HSR on traffic and circulation. In addition, the DEIR/S fails to meet CEQA guidelines that require the DEIR to consider certain traffic-related issues. In fact:

- The DEIR/S's discussion of the traffic modeling is insufficient to enable critical review of the (Level of Service) LOS and (Volume-to-Capacity ration) V/C results.

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- The discussion of V/C and LOS across Alignment Options is cursory and inadequate for determining impact.
- The discussion of mitigation is cursory and fails to discuss feasibility of any particular options.
- The DEIR fails to discuss any changes in air safety that would result from HSR.
- The DEIR fails to provide any systematic discussion of emergency access.
- The DEIR does not discuss any potential conflicts with adopted policies, plans, or programs for alternative transportation.

Cultural and Paleontological Resources:

The following was identified through the review of analysis of the cultural and paleontological resources:

- The DEIR/S favors the Northern Tunnel Route; however, the DEIR/S does not describe the specific impact of this or other proposed routes on either archeological or historic sites or on paleontological resources beyond relative ratings of "high," "medium," and "low." While the technical evaluations and Chapter 6 allow some preliminary comparisons of the impacts to cultural, historical, and archeological resources to be made among the routes, the information is still too vague to discuss specific mitigation strategies.

- The DEIR/S does not provide a detailed number of historic districts, buildings or archeological sites that are in the San Francisco/Oakland/San Jose corridor area of projected effect (APE) for any of the proposed routes or the modal alternative, despite acknowledging the general locations of the largest concentration of historic-era buildings being in the urban centers of the Bay Area to Merced region. Additionally, the DEIR/S fails to discuss the noise, vibration, and other factors that need to be mitigated by the HSR Authority if HSR construction is confined to existing corridors that pass through 100% of historic districts in Oakland and other Bay Area/Merced historic districts (currently 6 such districts in the Oakland/Santa Clara/ and San Jose areas alone).

- The DEIR/S does not provide information or assess the number of "listed or eligible" historic structures in the Bay Area/Merced region that would potentially require appropriate mitigation. Additionally, there are no estimates of possible mitigation costs related to preserving cultural and/or paleontological sites given for any region or proposed route given.

- The DEIR/S does not provide an estimate of the number of field surveys that may be needed for particular regions or routes, nor does it provide any estimates of the time and labor needed for such an effort, even a minimal effort.

Cost and Operations:

This chapter examines the DEIR/S profit-loss analysis. The discussion provided in the DEIR/S is flawed and fails to capture key aspects of costs and revenues.

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- The DEIR/S fails to consider indirect costs of bond measures. Because indirect costs of bond measures are not considered, substantial discrepancies in costs across various route options are ignored inappropriately by the DEIR/S.

- The DEIR/S calculates its revenue projects from aggressive ridership assumptions. Because the ridership assumptions are aggressive, any result other than total success of HSR is likely to result in lower revenues.

- The Altamont route has a significant favorable travel time and less operational cost than the other proposed routes. However, based on a flawed ridership assumption that only compares the HSR to the airlines and considers the HSR infrastructure to serve only the long-distance travelers, the Altamont route was dropped from further analysis. The ridership analysis should include all the reasonable alternative routes and should analyze these alternatives with several transportation parameters. The analysis must compare the HSR to road travel as well as air travel. Additionally, the analysis should consider the potential of using the infrastructure of the HSR for other commute rail services. Besides improving the HSR revenues, usage of the infrastructure for other rail services would reduce road congestion and improve the local public transportation.

Based on the findings listed above and considering the importance of the environmental resources present along the proposed alignments that link the Central Valley to the Bay Area, we find that a revision of this DEIR/S is imperative and must consider the Altamont Pass as one of the alternatives that link the Central Valley to the Bay Area.

We recommend that the revised version of the DEIR/S provide a detailed comparison analysis of the cost of construction and operation of the proposed Diablo/Pacheco alignments and Altamont route. We also recommend a thorough analysis of the environmental impact and appropriate mitigation measures for these alignments.

To provide an adequate analysis of the impact on cultural and paleontological resources, we recommend that the revised DEIR/S include:

- 1) the number of historical and other cultural/paleontological areas that may be eligible under the National Register of Historic Places (NRHP)/California Registry of Historic Resources CRHR,
- 2) estimates of the types of mitigation that would be needed for each route, and 3) the relative cost-effectiveness of mitigation for these routes.

In addition, we request that the DEIR/S provide:

- 1) ridership, travel time, and passenger cost information necessary to determine the economic feasibility of the Altamont Pass option;
- 2) ridership, travel time, and passenger cost information necessary to compare the economic feasibility of the Diablo Direct and Pacheco Pass options;
- 3) the sensitivity of ridership estimates to different travel times, reliability levels, passenger costs, and costs of alternative modes of travel.

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Finally, we repeat our opposition to the inclusion of routes through Henry Coe State park in the DEIR/S. These routes should never have been included in the analysis. State law protecting state parks and state wilderness area would have to be changed in order for these routes to become possible. However, given their unique and important resource value they are not feasible nor reasonable options for connecting the HSR between the Central Valley and the Bay Area.

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EXECUTIVE SUMMARY

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ATTACHMENT ONE
ENCLOSED AS PART OF SIERRA CLUB CALIFORNIA
COMMENTS ON THE CAHSR DRAFT EIR/EIS

Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR EIS

2 MAJOR FLAWS**2.1 Flaws in Selecting the Alternative Alignment Options between the Central Valley and the Bay Area.****2.1.1 Background**

During the process of corridors' selection, between the Central Valley and the Bay Area, the California Intercity High Speed Rail Commission (Commission) conducted several technical studies between 1994 and 1996. The studies encompassed ridership, cost and benefits, and corridors' evaluation and environmental constraints. In 1996, an Action Plan¹ was released in which three corridors were analyzed for the segment between the Central Valley and the Bay Area. The three corridors analyzed were Altamont, Pacheco, and Panoche. **Based on ridership analysis, revenues, and environmental impacts analysis, the Action Plan recommended the Altamont corridor as the most favorable option for the segment between the Central Valley and the Bay Area.**

In June 1999, a Staff-Recommendation report was released by the Authority, which was created in 1996. The report concluded that Pacheco is a better corridor option since it has a higher ridership and revenue potential.

In 1999², a Corridor Evaluation study was released. Although the study affirmed that Pacheco corridor would have a higher substantial environmental impact than Altamont, the study included the results of the Staff-Recommendation results that favored Pacheco Pass.

In 2000, the Authority released an update of the 1996 Ridership study without including the Altamont route option. In the same year, an Environmental Summary Report was released in which the Pacheco corridor was described as having more substantial environmental impacts than the Altamont corridor.

In the year 2001, the Authority conducted a Corridor-Screening Evaluation followed by a Tunnels conference to study alternative route options between the Central Valley and the Bay Area. The five alternative routes analyzed are located along the Diablo Mountain Range and the Pacheco Corridor. The corridor screening evaluation conducted in 2002, recommended to carry forward the Diablo and Pacheco alignments.

The program-level DEIR/S, analyzes five Diablo/Pacheco Alternative routes. The selection process of alternative corridors, between the Central Valley and the Bay Area, raises several concerns with respect to the methodologies and processes used to drop the Altamont option and to carry forward the Diablo and Pacheco alternatives.

¹ Intercity High-Speed Rail Commission. 1996. High-Speed Rail Summary Report and Action Plan.

² Parsons Brinckerhoff Quade & Douglas, Inc. 1999. Final Report California High-Speed Rail Corridor Evaluation.

MAJOR FLAWS

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